

FILED

JAN 19 2016

MONTANA WATER COURT, UPPER MISSOURI DIVISION
MARIAS RIVER - BASIN 41P

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Claim #: 41P 28396-00
2. County: Pondera
3. Page number in decree: 1004
4. Source: South Pondera Coulee
5. Name of Owner(s) to whom the water right was issued:

Circle S Ranch, Inc.

6. Objector's name, address, and phone number: 7. Objector's Attorney name, address, and phone number:

254425
Circle S Ranch, Inc.
PO Box 131
Brady, MT 59416

333163 225419
Abigail R. Brown & Michael J.L. Cusick
Moore, O'Connell & Refling, PC
PO Box 1288
Bozeman, MT 59771-1288
abby@qwestoffice.net
morlaw@qwestoffice.net

8. Basis of Objection:

- | | |
|--|--|
| <input type="checkbox"/> All Elements | <input type="checkbox"/> Priority Date |
| <input type="checkbox"/> Flow Rate/Volume | <input type="checkbox"/> Purpose of Right |
| <input type="checkbox"/> Ownership | <input type="checkbox"/> Source |
| <input type="checkbox"/> Period of Diversion/Period of Use | <input type="checkbox"/> Abandonment/Non-Perfection |
| <input type="checkbox"/> Place of Use/Maximum Acres | <input checked="" type="checkbox"/> Other: Missing reservoir record; missing multiple use informational remark |
| <input checked="" type="checkbox"/> Point of Diversion/Mean of Diversion | |

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based.

This claim should have a reservoir record as described in the Notice of Appropriation in the claim file and depicted on the WRS map. This claim is also a multiple use of irrigation claim 41P 28399-00.

DATED this 18th day of January, 2016.

MOORE, O'CONNELL & REFLING, P.C.

BY: Abigail R. Brown
ABIGAIL R. BROWN
Attorney for Circle S Ranch, Inc.
P. O. Box 1288
Bozeman, MT 59771-1288
(406) 587-5511

BSS 1/25/16
747360 VA

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing was duly served upon the following at their addresses, by mail, postage prepaid, on this 18th day of January, 2016, to wit:

Circle S Ranch, Inc.
P.O. Box 131
Brady, MT 59416



For Moore, O'Connell & Refling, P.C.

Please send this completed form to:

Montana Water Court
P. O. Box 1389
Bozeman, MT 59771-1389

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MONTANA WATER COURT, UPPER MISSOURI DIVISION
MARIAS RIVER - BASIN 41P

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Claim #: 41P 28397-00
2. County: Pondera
3. Page number in decree: 1006
4. Source: Unnamed Tributary of South Pondera Coulee
5. Name of Owner(s) to whom the water right was issued:

Circle S Ranch, Inc.

6. Objector's name, address, and phone number: 7. Objector's Attorney name, address, and phone number:

254425
Circle S Ranch, Inc.
PO Box 131
Brady, MT 59416

333163 225419
Abigail R. Brown & Michael J.L. Cusick
Moore, O'Connell & Refling, PC
PO Box 1288
Bozeman, MT 59771-1288
abby@qwestoffice.net
morlaw@qwestoffice.net

8. Basis of Objection:

- ☒ All Elements
☐ Flow Rate/Volume
☐ Ownership
☐ Period of Diversion/Period of Use
☐ Place of Use/Maximum Acres
☐ Point of Diversion/Mean of Diversion
☐ Priority Date
☐ Purpose of Right
☐ Source
☐ Abandonment/Non-Perfection
☒ Other: Missing reservoir record; implied claim

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based.

The source of this claim is not only waste and seepage; it is also a direct flow right, as described in the Notice of Appropriation in the claim file. A reservoir is associated with this claim. There are implied claims based on underlying Notice of Appropriation and documents in claim file.

DATED this 18th day of January, 2016.

MOORE, O'CONNELL & REFLING, P.C.

BY: Abigail R. Brown
ABIGAIL R. BROWN
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74787 v.H

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P.O. Box 131
Brady, MT 59416



For Moore, O'Connell & Refling, P.C.

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MONTANA WATER COURT, UPPER MISSOURI DIVISION
MARIAS RIVER - BASIN 41P

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Claim #: 41P 28398-00
2. County: Pondera
3. Page number in decree: 1008
4. Source: South Pondera Coulee
5. Name of Owner(s) to whom the water right was issued:

Circle S Ranch, Inc.

6. Objector's name, address, and phone number: 7. Objector's Attorney name, address, and phone number:

254425
Circle S Ranch, Inc.
PO Box 131
Brady, MT 59416

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Abigail R. Brown & Michael J.L. Cusick
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PO Box 1288
Bozeman, MT 59771-1288
abby@qwestoffice.net
morlaw@qwestoffice.net

8. Basis of Objection:

☒ All Elements
☐ Flow Rate/Volume
☐ Ownership
☐ Period of Diversion/Period of Use
☐ Place of Use/Maximum Acres
☐ Point of Diversion/Mean of Diversion
☐ Priority Date
☐ Purpose of Right
☐ Source
☐ Abandonment/Non-Perfection
☒ Other: Missing reservoir record

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based.

A reservoir record should be added based on historical use of this water right claim. Historically, this water right may also have been used for irrigation.

DATED this 18th day of January, 2016.

MOORE, O'CONNELL & REFLING, P.C.

BY: Abigail R. Brown
ABIGAIL R. BROWN
Attorney for Circle S Ranch, Inc.
P. O. Box 1288
Bozeman, MT 59771-1288
(406) 587-5511

BSS 1/25/16

74788 VHT

CERTIFICATE OF SERVICE

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Circle S Ranch, Inc.
P.O. Box 131
Brady, MT 59416



For Moore, O'Connell & Refling, P.C.

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MONTANA WATER COURT, UPPER MISSOURI DIVISION
MARIAS RIVER - BASIN 41P

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Claim #: 41P 28399-00
2. County: Pondera
3. Page number in decree: 1008
4. Source: South Pondera Coulee
5. Name of Owner(s) to whom the water right was issued:

Circle S Ranch, Inc.

6. Objector's name, address, and phone number: 7. Objector's Attorney name, address, and phone number:

254425
Circle S Ranch, Inc.
PO Box 131
Brady, MT 59416

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PO Box 1288
Bozeman, MT 59771-1288
abby@qwestoffice.net
morlaw@qwestoffie.net

8. Basis of Objection:

- ☐ All Elements
☒ Flow Rate/Volume
☐ Ownership
☐ Period of Diversion/Period of Use
☐ Place of Use/Maximum Acres
☒ Point of Diversion/Mean of Diversion
☐ Priority Date
☐ Purpose of Right
☐ Source
☐ Abandonment/Non-Perfection
☒ Other: Missing reservoir records; missing multiple use informational remark

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based.

There are two reservoirs and two separate Points of Diversion associated with this water right, as discussed in the original Notice of Appropriation and visible on the WRS map. This claim is also a multiple use of stock claim 41P 28396-00.

DATED this 18th day of January, 2016.

MOORE, O'CONNELL & REFLING, P.C.

BY: Abigail R. Brown
ABIGAIL R. BROWN
Attorney for Circle S Ranch, Inc.
P. O. Box 1288
Bozeman, MT 59771-1288
(406) 587-5511

BSS 1/25/16

74789 V4H

CERTIFICATE OF SERVICE

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Circle S Ranch, Inc.
P.O. Box 131
Brady, MT 59416



For Moore, O'Connell & Refling, P.C.

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Montana Water Court
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MONTANA WATER COURT, UPPER MISSOURI DIVISION
MARIAS RIVER - BASIN 41P

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Claim #: 41P 28400-00
2. County: Pondera
3. Page number in decree: 1012
4. Source: Tributary of South Pondera Coulee
5. Name of Owner(s) to whom the water right was issued:

Circle S Ranch, Inc.

6. Objector's name, address, and phone number: 7. Objector's Attorney name, address, and phone number:

254425
Circle S Ranch, Inc.
PO Box 131
Brady, MT 59416

333163 225419
Abigail R. Brown & Michael J.L. Cusick
Moore, O'Connell & Refling, PC
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Bozeman, MT 59771-1288
abby@qwestoffice.net
morlaw@qwestoffice.net

8. Basis of Objection:

☒ All Elements
☐ Flow Rate/Volume
☐ Ownership
☐ Period of Diversion/Period of Use
☐ Place of Use/Maximum Acres
☐ Point of Diversion/Mean of Diversion
☐ Priority Date
☐ Purpose of Right
☐ Source
☐ Abandonment/Non-Perfection
☐ Other:

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based.

This claim may have been mistakenly withdrawn by Claimant on January 23, 2014, after discussion with DNRC during examination, and prior to Claimant retaining counsel.

DATED this 18th day of January, 2016.

MOORE, O'CONNELL & REFLING, P.C.

BY: Abigail R. Brown
ABIGAIL R. BROWN
Attorney for Circle S Ranch, Inc.
P. O. Box 1288
Bozeman, MT 59771-1288
(406) 587-5511

BSS 1/25/16

74790 VH

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P.O. Box 131
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MONTANA WATER COURT, UPPER MISSOURI DIVISION
MARIAS RIVER - BASIN 41P

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Claim #: 41P 28401-00
2. County: Pondera
3. Page number in decree: 1013
4. Source: Unnamed Tributary of South Pondera Coulee
5. Name of Owner(s) to whom the water right was issued:

Circle S Ranch, Inc.

6. Objector's name, address, and phone number: 7. Objector's Attorney name, address, and phone number:

254425
Circle S Ranch, Inc.
PO Box 131
Brady, MT 59416

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8. Basis of Objection:

- ☒ All Elements
☐ Flow Rate/Volume
☐ Ownership
☐ Period of Diversion/Period of Use
☐ Place of Use/Maximum Acres
☐ Point of Diversion/Mean of Diversion
☐ Priority Date
☐ Purpose of Right
☐ Source
☐ Abandonment/Non-Perfection
☒ Other: Missing reservoir record; implied claims; multiple use

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based.

There are implied claims for this water right because the underlying Notice of Appropriation clearly states the source is waste, flood and direct flow of South Pondera Coulee. Also, a reservoir record should be added, as identified in the underlying Notice of Appropriation as well as on the WRS. This claim may be a multiple use of 41P 28397-00, in which case, the priority dates should correspond.

DATED this 18th day of January, 2016.

MOORE, O'CONNELL & REFLING, P.C.

BY: Abigail Brown
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BSS 1/25/16

74791 vH

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